



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/419,891	10/18/99	BARACCHINI	P 1247-0831-3

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EXAMINER

SHELBORNE, K

ART UNIT

PAPER NUMBER

1616

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/419,891

Applicant(s)

Baracchini et al

Examiner
Kathryne E. Shelborne

Group Art Unit
1616



☒ Responsive to communication(s) filed on Oct 18, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1616

DETAILED ACTION

Claims 1-3 are pending in this application. Claim 4 has been canceled by the Applicants.

The amendment filed 11/12/99 is acknowledged.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy et al (5,308,692).

Kennedy et al teach a non-woven fiber mat used as structural support and insulating layer. (Note column 1, lines 11-15). The mat comprises a blend of mineral fibers and glass fibers. The fibers are bonded together. (Note the paragraph bridging columns 2 and 3). The mineral wood fibers used are random length within the range of about 0.6 to 7.6 cm. Typically, fibers are between 2 and 6 um in diameter. (Note column 4, lines 23-28). The glass fibers improve the structural foundation of the finished mat by increasing its tear resistance and tensile strength, and also improve the folding and working qualities of the mat. (Note column 4, lines 51-56). Therefore, since the reference teaches an insulation mat using similar materials and a similar method as taught by the Applicants, the limitations of resistance to compression and heat conductivity coefficient are seen to be inherent without a showing to the contrary.

Art Unit: 1616

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103^c and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al.

Kennedy is relied upon for the teachings as discussed above. The reference differs from Applicants' claimed invention by not specifically teaching the limitations of resistance to compression and heat conductivity coefficient. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the limitations of resistance to compression and heat conductivity coefficient, since variation in the limitations are a matter of design choice.

Art Unit: 1616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn E. Shelborne whose telephone number is (703) 308-3627. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

KeS *Kathryn E. Shelborne*

December 16, 2000



S. MARK CLARDY
PATENT EXAMINER
GROUP ~~1233~~ 1616